

## PATENT COOPERATION TREATY

10/511967

From the:

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 10 OCT 2004

To:

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## PCT

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY EXAMINATION  
REPORT

(PCT Rule 71.1)

Date of mailing  
day/month/year

24 DEC 2003

Applicant's or agent's file reference  
12208950/RSH/PLB

## IMPORTANT NOTIFICATION

International Application No.  
PCT/AU03/00478International Filing Date  
22 April 2003Priority Date  
26 April 2002

Applicant

RESEARCH SURGICAL PTY LTD et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

## 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

Name and mailing address of the IPEA/AU

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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12208950/RSH/PLB	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU03/00478</b>	International Filing Date (day/month/year) 22 April 2003	Priority Date (day/month/year) 26 April 2002
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> A61B 17/02		
Applicant  RESEARCH SURGICAL PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of      sheet(s).

3. This report contains indications relating to the following items:

- |      |                                     |   |
|------|-------------------------------------|---|
| I    | <input checked="" type="checkbox"/> | Basis of the report   |
| II   | <input type="checkbox"/>            | Priority  |
| III  | <input type="checkbox"/>            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| IV   | <input type="checkbox"/>            | Lack of unity of invention  |
| V    | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI   | <input type="checkbox"/>            | Certain documents cited   |
| VII  | <input type="checkbox"/>            | Certain defects in the international application  |
| VIII | <input type="checkbox"/>            | Certain observations on the international application   |

Date of submission of the demand 25 November 2003	Date of completion of the report 10 December 2003
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>VINCE BAGUSAUSKAS</b> Telephone No. (02) 6283 2110

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-19	YES
	Claims	NO
Inventive step (IS)	Claims 1-19	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

None of the citations listed in the International Search Report discloses blades that are:

- i) engageable with a series of abutment edges in the longitudinal direction of the arms (claims 1, 2);
- ii) lockable to the arm against longitudinal displacement by displacement between the mounting portion of the blade and the arm after movement of the blade into a selected longitudinal position along the arm (claims 13, 17); and
- iii) lockable to the arm by skewing the mounting portion of the blade on the arm (claim 19).

Therefore, the invention as defined is both novel and inventive over the prior art.